

REMARKS

In the Claims

Applicants amend claims 1, 30, 31, 34, 36-38, and 41 and add new claims 45 and 46. The amendments and new claims 45 and 46 are supported by the original specification; and accordingly, do not constitute new matter. New independent claim 46 is believed to be patentably distinct from the prior art of record.

Applicants cancel claim 29.

Examiner-Initiated Interview

Applicants thank the Examiner for the telephonic interview on 03/23/2010 and for indicating the allowability of the subject matter of claims 31-35. Pursuant to *Part III* of the *Examiner-Initiated Interview Summary* mailed 04/02/2010, Applicants are not presently providing a separate record of the substance of the interview. Applicants note, but do not accede to, the characterization of the claims and prior art set forth in the Interview Summary.

Supplemental Information Disclosure Statement

Applicants submit herewith a Supplemental Information Disclosure Statement disclosing references cited to the Examiner during a telephone discussion on 03/24/2010.

Claims Rejections – 35 USC 102

Claims 1-6, 8, 9, 27-28, and 37-41 stand rejected under 35 USC 102 as allegedly being anticipated by US Patent No. 6,443,152 to Lockhart et al. (“Lockhart”).

Applicants respectfully traverse this basis for rejection.

Lockhart does not anticipate amended independent claims 1 or 41 because Lockhart does not disclose:

an expansion mechanism configured to expand a cavity into which the device, in use, is inserted, wherein the device is configured such that application of an actuation force to the device causes an expansion of the expansion mechanism to expand the cavity and the device to deliver substance into the cavity.

Applicants note that the Examiner already recognized that Lockhart fails to disclose “an expansion mechanism for expanding the body cavity.” See the Office Action mailed 04/02/2010 at page 7.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the anticipation rejections of independent claims 1 and 41 as well as claims 2-6, 8, 9, 27-28, 37-40, which depend upon allowable base claim 1.

Claims Rejections – 35 USC 103

Lockhart and Ekenstam

Claim 7 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Lockhart, as applied to claims 1-3 and 5-6, and further in view of US Patent No. 4,282,986 to Ekenstam et al. (“Ekenstam”).

Applicants respectfully traverse this basis for rejection.

The combination of Lockhart and Ekenstam do not make claim 7 obvious because the combination does not teach or suggest every element of amended base claim 1. For the reasons discussed above, Lockhart does not teach or suggest:

an expansion mechanism configured to expand a cavity into which the device, in use, is inserted, wherein the device is configured such that application of an actuation force to the device causes an expansion of the expansion mechanism to expand the cavity and the device to deliver substance into the cavity.

Ekenstam fails to cure the deficiencies of Lockhart because Ekenstam also fails to teach or suggest the claimed expansion mechanism and delivery device.

Applicants note that the Examiner appears to agree with this conclusion because the Examiner did not allege that the combination of Lockhart and Ekenstam teaches or suggests “an expansion mechanism for expanding the body cavity,” which was pending and under examination as claim 29 at the time of the Office Action mailed 04/02/2010.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the obviousness rejection of claim 7.

Lockhart and Burnet

Claims 29 and 30 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Lockhart, as applied to claim 1, and further in view of Canadian Patent Application No. 2,020,425 by Burnet et al. (“Burnet”).

Applicants respectfully traverse this basis for rejection. The rejection of claim 29 is now moot in view of the claim’s cancellation. Claim 30 is patentable over Lockhart and Burnet (as are all pending claims) because the combined references do not teach or suggest every claimed element.

As discussed above, independent claims 1 and 41 now recite:

an expansion mechanism configured to expand a cavity into which the device, in use, is inserted, wherein the device is configured such that application of an actuation force to the device causes an expansion of the expansion mechanism to expand the cavity and the device to deliver substance into the cavity.

Also, as discussed above, Lockhart does not disclose, teach, or suggest any such expansion mechanism or delivery device. In fact, the Examiner already recognized that Lockhart fails to teach or suggest “an expansion mechanism for expanding the body cavity.” See the Office Action mailed 04/02/2010 at page 7.

Burnet fails to cure these deficiencies. The Examiner cited Burnet’s “tapered shape of the distal end of the device” illustrated in FIG. 8 and described in the paragraph bridging pages 11 and 12 as curing the deficiencies of Lockhart by allegedly teaching the “expansion mechanism” of claim 29 (now cancelled). However, Burnet’s “tapered shape of the distal end of the device” fails to teach or suggest the expansion mechanism of amended claims 1 and 41 because Burnet does not teach or suggest an expansion mechanism having the limitations recited in amended claims 1 and 41.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims, including claim 30, are patentable over Lockhart and Burnet because the combined references do not teach or suggest every claimed element. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the obviousness rejection of claim 30.

Claim Objections

Claims 31-35 stand objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the above amendments and arguments, Applicants respectfully submit that claims 31-35 now depend upon an allowable base claim. Accordingly, Applicants respectfully request that the objections to the claims be reconsidered and withdrawn.

Rejoinder


Applicants respectfully request rejoinder of withdrawn claims 10-26 and 36 because they now depend upon an allowable base claim.

CONCLUSION

For at least the foregoing reasons, Applicants respectfully submit that all of the pending claims are in condition for allowance and request early favorable action. If the Examiner believes a telephonic interview would expedite prosecution, the Examiner is invited to contact Applicants' Attorney at the number below.

Respectfully submitted,

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